

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Takeya Patterson	Team: Team # 6	CCRB Case #: 201109586	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/22/2011 1:20 AM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 1/22/2013	EO SOL 1/22/2013	
Date/Time CV Reported Fri, 07/22/2011 1:28 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 07/22/2011 1:28 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Locher	02378	938866	032 PCT
2. POM Aaron Thorn	17386	907442	032 PCT
3. SGT Daniel Miller	02549	919418	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Marc Trelles	09246	939602	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Daniel Miller	Abuse: Sgt. Daniel Miller stopped § 87(2)(b)	§ 87(2)(b)
B.POM Robert Locher	Abuse: Officer Robert Locher stopped § 87(2)(b)	§ 87(2)(b)
C.POM Aaron Thorn	Abuse: Officer Aaron Thorn stopped § 87(2)(b)	§ 87(2)(b)
D.POM Robert Locher	Abuse: Officer Robert Locher frisked § 87(2)(b)	§ 87(2)(b)
E.POM Robert Locher	Abuse: Officer Robert Locher searched § 87(2)(b)	§ 87(2)(b)
F.SGT Daniel Miller	Abuse: Sgt. Daniel Miller frisked § 87(2)(b)	§ 87(2)(b)
G.POM Aaron Thorn	Abuse: Officer Aaron Thorn searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.	§ 87(2)(b)
H.SGT Daniel Miller	Abuse: Sgt. Daniel Miller searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.	§ 87(2)(b)
I.POM Robert Locher	Abuse: Officer Robert Locher refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
J.POM Aaron Thorn	Abuse: Officer Aaron Thorn refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
K.SGT Daniel Miller	Abuse: Sgt. Daniel Miller refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On July 22, 2011, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System on behalf of himself (encl.6-6a). On October 20, 2011, § 87(2)(b) provided a CCRB Statement and made allegations on behalf of himself and his girlfriend, § 87(2)(b) (encl. 10-10d). On July 22, 2011, at approximately 1:20 a.m., § 87(2)(b) was stopped in the vicinity of § 87(2)(b) § 87(2)(b), in Manhattan by Sgt. Daniel Miller, Officer Robert Locher and Officer Aaron Thorn, all of the 32<sup>nd</sup> Precinct. The following allegations resulted:

**Allegation A: Abuse of Authority: Sgt. Daniel Miller stopped § 87(2)(b)**

**Allegation B: Abuse of Authority: Officer Robert Locher stopped § 87(2)(b)**

**Allegation C: Abuse of Authority: Officer Aaron Thorn stopped § 87(2)(b)**

§ 87(2)(g)

**Allegation D: Abuse of Authority: Officer Robert Locher frisked § 87(2)(b)**

**Allegation E: Abuse of Authority: Officer Robert Locher searched § 87(2)(b)**

**Allegation F: Abuse of Authority: Sgt. Daniel Miller frisked § 87(2)(b)**

§ 87(2)(g)

**Allegation G: Abuse of Authority: Officer Aaron Thorn searched the car in which § 87(2)(b)**

**and § 87(2)(b) were occupants.**

**Allegation H: Abuse of Authority: Sgt. Daniel Miller searched the car in which § 87(2)(b)**

**and § 87(2)(b) were occupants.**

§ 87(2)(g)

**Allegation I: Abuse of Authority: Officer Robert Locher refused to provide his name and shield number to § 87(2)(b)**

**Allegation J: Abuse of Authority: Officer Aaron Thorn refused to provide his name and shield number to § 87(2)(b)**

**Allegation K: Abuse of Authority: Sgt. Daniel Miller refused to provide his name and shield number to § 87(2)(b)**

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

## Results of Investigation

### Civilian Statements

#### Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. He is a 5'8" black male with brown eyes and black hair.

#### CCRB Statement:

On October 20, 2011, § 87(2)(b) was interviewed at the CCRB. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

On July 22, 2011, at approximately 1:20 a.m., § 87(2)(b) was leaving residential building § 87(2)(b) in Manhattan, after visiting his mother for approximately one hour, and was taking out the trash. While walking to the trash can which was along the side of the building, § 87(2)(b) observed an unmarked dark colored Chevrolet Impala driving down the street towards him. § 87(2)(b) § 87(2)(b) dumped the trash and started to walk back towards his vehicle, which was parked on the same side of the street, a few feet away from the entrance of the building. § 87(2)(b) observed that § 87(2)(b) a woman who lives at an unknown location in the neighborhood was sitting about twenty feet from the trash cans at the time, but they did not interact.

Three plain-clothed officers exited the Impala and approached § 87(2)(b) § 87(2)(b) described one of the officers as a 5'5" white male in his mid-thirties to mid-forties and the investigation identified him as Sgt. Daniel Miller, of the 32<sup>nd</sup> Precinct. § 87(2)(b) described another officer as a 5'8"-5'9" white male who was in his mid-thirties to forty years of age and the investigation identified him as Officer Robert Locher, of the 32<sup>nd</sup> Precinct. The third officer was described as a 5'9"-5'10" black male in his mid-thirties and was identified as Officer Aaron Thorn, of the 32<sup>nd</sup> Precinct.

The officers instructed § 87(2)(b) to stand still and put his hands up, which he complied with. Officer Locher asked § 87(2)(b) what he was doing in the area. § 87(2)(b) informed the officers that he was just taking out the trash for his mother. Officer Locher patted § 87(2)(b)'s pants pockets and pulled his wallet out of his back pocket. Officer Locher opened § 87(2)(b)'s wallet, but did not remove his license or anything else, before putting his wallet back into his pocket. Officer Locher also removed § 87(2)(b)'s keys, cell phone and money from the pockets of his pants and then placed them back inside. Sgt. Miller assisted in frisking § 87(2)(b) by patting his chest and holding him. Officer Thorn simply stood on the side and observed.

As § 87(2)(b) was being searched, Officer Locher asked him various questions such as, "What are you doing here?" and informed him that he looked like he was doing something. § 87(2)(b) reiterated that he was about to leave and made a gesture towards his red Chevrolet Avalanche that was parked a few feet away. The officers asked if the vehicle § 87(2)(b) gestured to was his vehicle and he confirmed that it was.

§ 87(2)(b)'s friend § 87(2)(b) was inside of his car and had fallen asleep in the passenger seat while waiting for him to leave his mother's house. § 87(2)(b) and § 87(2)(b) had planned on going to "Indoteca", a restaurant around the Houston Street area. The car was on and the keys were still in the ignition. Sgt. Miller and Officer Thorn approached § 87(2)(b)'s vehicle. Sgt. Miller attempted to open the vehicle's passenger side door, but it was locked. Sgt. Miller knocked

on the window to wake § 87(2)(b) up and instructed § 87(2)(b) to step outside of the car. § 87(2)(b) stepped out of the vehicle and asked what was going on. Once § 87(2)(b) stepped out the car, Sgt. Miller pressed the unlock button located on the door and unlocked the remaining doors on the vehicle. Sgt. Miller frisked § 87(2)(b) by patting her body, however, § 87(2)(b)'s line of sight prevented him from seeing below her waist level. § 87(2)(b) was instructed to sit on the back of the vehicle's bumper and both Sgt. Miller and Officer Thorn questioned what she was doing. Nothing was recovered from § 87(2)(b)'s person.

Meanwhile, Officer Locher remained standing next to § 87(2)(b) at the side of his vehicle, towards the rear. § 87(2)(b) asked Officer Locher why the officers were bothering § 87(2)(b) and he responded by asking § 87(2)(b) if he smoked marijuana. § 87(2)(b) stated that he does not. Sgt. Miller and Officer Thorn searched § 87(2)(b)'s car. Sgt. Miller searched the passenger side and Officer Thorn searched the driver's side of the vehicle. Collectively, the officers searched areas including the backseat, front seats, glove compartment and center console. No contraband was recovered and nothing was removed from the vehicle.

§ 87(2)(b) inquired why his vehicle was being searched and one of the officers, who § 87(2)(b) could not recall, informed him that it smelled like he was smoking marijuana. After the search, Officer Locher informed § 87(2)(b) that they did not find anything and they were going to let him leave. § 87(2)(b) addressed all three officers and stated, "Before you leave, can I have your shield numbers? The officers did not have shields on, besides Officer Thorn, whose shield was backwards. Officer Locher responded, "For what? You know what, since you want to make an issue, give me your ID." Officer Locher then reached into § 87(2)(b)'s pocket, removed his ID and walked back to his vehicle. Sgt. Miller did not verbally respond, but looked at § 87(2)(b) with contempt. Officer Thorn did not respond at all. All three officers were standing approximately within a foot of § 87(2)(b).

While Officer Locher was inside of the police vehicle, Sgt. Miller informed § 87(2)(b) that § 87(2)(b) was removed and frisked because she was in the car and they needed to make sure nothing was going on. Officer Locher returned and gave § 87(2)(b) his identification card back. Officer Locher told § 87(2)(b) that he knew what was going on and there was suspicious activity. § 87(2)(b) stated to all three officers, "So, I guess I'm not getting your badge." Officer Locher responded, "For what? Everything is alright. There is no reason that you need anything." The officers went back inside their vehicle and drove off. As the officers were leaving, § 87(2)(b) copied the license plate of their vehicle and provided it as § 87(2)(e), § 87(2)(f) but it was confirmed via § 87(2)(b) and investigation as § 87(2)(e), § 87(2)(b) and § 87(2)(b) who was still seated on the bumper of § 87(2)(b)'s vehicle, went into his car and left. § 87(2)(b) witnessed the entire incident, which lasted approximately 40 minutes. § 87(2)(b) does not have any contact information for § 87(2)(b).

### **Photographic Array**

On August 30, 2012, at the CCRB, § 87(2)(b) viewed four photograph arrays comprised one subject officer and five filler officers in each array (encl. 10-10d).

- Array #1: Subject officer Sgt. Daniel Miller was positioned in the number six slot. § 87(2)(b) stated that he recognized the officer in the number six slot as the officer who searched his car and frisked him.
- Array #2: Subject officer Robert Locher was positioned in the number five slot. § 87(2)(b) could not identify any officer in the array.

- Array #3: Subject officer Aaron Thorn was positioned in the number two slot. § 87(2)(b) stated that he recognized the officer in slot number three as the officer who searched his vehicle. § 87(2)(b) did not positively identify Officer Thorn.
- Array #4: Subject officer Marc Trelles was positioned in the number six slot. § 87(2)(b) could not identify any officer in the array.

**Victim:** § 87(2)(b)

- § 87(2)(b) is a black female, who was § 87(2)(b) old at the time of the incident. She did not provide a CCRB Statement and further pedigree information was not obtained.

**Telephone Statement:**

On September 19, 2011, § 87(2)(b) provided a telephone statement, § 87(2)(g)

On July 22, 2011, at approximately 1:20 a.m., § 87(2)(b) was sitting in the passenger seat of her boyfriend, § 87(2)(b)'s SUV on § 87(2)(b) in Manhattan. While § 87(2)(b) was saying goodbye to a few of his cousins, § 87(2)(b) was drifting asleep in the SUV.

Approximately, 20 minutes later, a plain-clothed officer (PO1) who § 87(2)(b) described as a 33-year-old white male, who is about 5'10", and weighs 250 pounds with dark hair knocked on the passenger side window with his flashlight. PO1 asked § 87(2)(b) to roll the window down and asked who she was with. § 87(2)(b) said she was with her boyfriend. PO1 asked her to point him out and § 87(2)(b) asked who the officer was but, PO1 did not identify himself nor did he have a shield visible. PO1 asked § 87(2)(b) to step outside of the car and leave her pocketbook inside. Once outside the car, § 87(2)(b) pointed to § 87(2)(b) and also observed Officer Thorn and another white male officer who she described as 6'0" tall in his mid-forties, PO2, speaking to § 87(2)(b) across the street.

§ 87(2)(b) asked PO1 if she could see his shield or obtain his name. PO1 stated, "No, Ma'am, step to the back of the car." While § 87(2)(b) stood behind the SUV, Officer Thorn searched the vehicle. § 87(2)(b) believes her pocketbook was also searched. However, § 87(2)(b) could not see what parts of the vehicle he searched nor did she specifically see Officer Thorn search her bag. After the vehicle was searched, Officer Thorn informed her that she could go back into the car. § 87(2)(b) asked what she was stopped for and what had happened. PO1 did not respond. § 87(2)(b) copied the license plate of the unmarked dark blue Impala that the officers utilized (§ 87(2)(e), § 87(2)(b)). Neither § 87(2)(b) nor § 87(2)(b) were arrested or summonsed during the incident.

**Attempts to Contact Civilians**

Between the dates of October 20, 2011 and November 15, 2011, four attempts to contact § 87(2)(b) via telephone were made and during each call a voice message was left requesting that she contact the CCRB to schedule an appointment. § 87(2)(b)'s phone number was confirmed during a telephone conversation on September 19, 2011. On November 16, 2011, a DMV database search provided an address for § 87(2)(b) and a letter was mailed to her at that address. On that same date, a CCRB CTS database search provided an alternate address for § 87(2)(b) and a letter was also mailed to that address. Between the dates of September 28, 2012 and October 5, 2012, two additional "please call" letters were mailed to § 87(2)(b) at the same address as § 87(2)(b)'s. To date § 87(2)(b) has not contacted the CCRB and the letters mailed to her have not been returned to the CCRB, marked as "undeliverable" by the United States

Postal Service. On August 28, 2012, a NYC Department of Corrections database search confirmed that § 87(2)(b) was not incarcerated during the course of the investigation.

§ 87(2)(b) could not provide any contact information or last name for § 87(2)(b). Without a last name or any form of contact information, the investigation could not locate § 87(2)(b).

### **NYPD Statements:**

#### **Subject Officer: OFFICER ROBERT LOCHER**

- *Officer Locher was § 87(2)(b) old during the time of the incident. Officer Locher is a 5'11 white male, who weighs 240 pounds with black hair and brown eyes.*
- *On July 21, 2011, Officer Locher worked from 7:30 p.m. until 4:05 a.m. on July 22, 2011. He was assigned to anti-crime and worked with Officer Aaron Thorn. Although, Officer Locher did not note such, the 32nd Precinct's Roll Call has also listed Officer Marc Trelles and Sgt. Daniel Miller as Officer Locher's partners. Officer Locher wore plainclothes and used vehicle number 8062, which was unmarked.*

### **Memo Book:**

At 1:20 a.m., § 87(2)(b) stopped on the corner of § 87(2)(b). At 1:23 a.m., a Stop, Question and Frisk report was prepared (no UF-250 number). He did not note his partner assignment in his memo book (encl. 11-11a).

### **CCRB Statement:**

On August 9, 2012, Officer Robert Locher was interviewed at the CCRB. His interview is summarized below (encl. 12-12a).

Officer Locher did not recall the incident or any details concerning it. Upon being shown a photograph of § 87(2)(b) he did not recall interacting with him. Officer Locher did not recall § 87(2)(b)'s red Avalanche truck or whether he searched it. Officer Locher did not recall whether he suspected § 87(2)(b) of smoking or smelling of marijuana. Officer Locher did not recall whether he frisked or searched § 87(2)(b) or interacted with any female that day. Officer Locher could not recall whether anyone requested his name or shield number that day. Officer Locher completed a Stop, Question and Frisk Report for § 87(2)(b) but could not recall any of its details. He also did not note or recall the Stop, Question and Frisk Report number. Officer Locher was informed that the § 87(2)(b)'s arrest was not listed on the Stop, Question and Frisk Log and stated that he gave the report to his sergeant, but since the incident occurred on the border of the 25<sup>th</sup> and 32<sup>nd</sup> Precincts, the report may have gone to the 25<sup>th</sup> Precinct.

Officer Locher did not recall whether he worked with Officer Trelles. Upon being shown the roll call and observing that Officer Trelles was assigned to the same vehicle as him and Officer Thorn, he still did not recall whether he worked with Officer Trelles. Officer Locher stated that the sergeant makes vehicle assignments and it is possible that the sergeant may have switched Officer Trelles' vehicle, but he was not exactly sure.

**Subject Officer: SGT. DANIEL MILLER**

- Sgt. Miller was § 87(2)(b) old during the time of the incident. Sgt. Miller is a 5'6" white male, who weighs 190 pounds with brown hair and brown eyes.
- On July 21, 2011, Sgt. Miller worked from 7:26 p.m. until 4:10 a.m. on July 22, 2011. He was assigned to anti-crime and worked with Officer Robert Locher and Officer Aaron Thorn. Sgt. Miller wore plainclothes and used vehicle number 8062, which was unmarked.

**Memo Book:**

At 1:20 a.m., § 87(2)(b) stopped on the corner of § 87(2)(b) Red Chevrolet Avalanche, strong scent of marijuana. A Stop, Question and Frisk Report was prepared by Officer Locher. He noted Officer Locher as his partner in his memo book (encl. 13-13a).

**CCRB Statement:**

On September 5, 2012, Sgt. Miller was interviewed at the CCRB. § 87(2)(g) (encl. 14-14a).

Sgt. Miller had no recollection of the incident. Upon being shown a photograph of § 87(2)(b) he did not recognize him. Sgt. Miller could not recall whether § 87(2)(b) was stopped as an individual or whether his vehicle was stopped. Sgt. Miller did not recall whether § 87(2)(b) was inside of a vehicle nor did he recall § 87(2)(b) being asleep in the vehicle. Sgt. Miller did not recall frisking § 87(2)(b) or her presence during the incident at all. Sgt. Miller did not recall searching or frisking § 87(2)(b). Officer Locher completed the Stop, Question and Frisk report and Sgt. Miller signed it. However, Sgt. Miller could not locate the Stop, Question and Frisk report. Sgt. Miller did not recall anyone requesting his name and shield number at any time, but stated that he provides it whenever it is requested. Sgt. Miller could not recall whether he also worked with Officer Trelles on that day.

**Subject Officer: OFFICER AARON THORN**

- Officer Thorn was § 87(2)(b) old during the time of the incident. He is a 6'2" black male, who weighs 220 pounds with black hair and brown eyes.
- On July 21, 2011, Officer Thorn worked from 7:30 p.m. to 4:05 a.m. on July 22, 2011. He could not recall his partner, but according to the roll call he was assigned to the same vehicle as Officer Robert Locher, Officer Marc Trelles and Sgt. Daniel Miller. He was dressed in plainclothes and used vehicle number 8062, which was unmarked.

**Memo Book:**

Officer Thorn has no memo book entries pertaining to this incident. He has the following memo book entries noted around the time of the incident. At 12:00 a.m., on patrol. At 3:00 a.m., one under arrest. He did not note his assigned partner in his memo book (encl.15-15b).

**CCRB Statement:**

On August 1, 2012, Officer Aaron Thorn was interviewed at the CCRB. § 87(2)(g) (encl.16-16a)

Officer Thorn had no recollection of the incident. Upon being shown a photo of § 87(2)(b) he did not recognize him or recall interacting with him. Officer Thorn did not recall being in the vicinity of § 87(2)(b). Officer Thorn could not recall whether he stopped someone in the vicinity of the incident. Officer Thorn stated that he recognizes license plate § 87(2)(e), § 87(2)(b) but could not recall if he was assigned to it. Officer Thorn did not recall interacting with a female

who was sitting inside of a vehicle or a truck which smelled of marijuana. Officer Thorn did not recall frisking any male or female around the time of the incident. However, he arrested and frisked another female at 136<sup>th</sup> Street and Edgecombe Avenue at 3:30 a.m. Officer Thorn searched a vehicle concerning the arrest, but it was not a red Avalanche truck. Officer Thorn could not recall whom he was working with or whether Officer Trelles was his partner. Officer Thorn could not recall whether anyone requested his name and shield number. Officer Thorn did not recall interacting with § 87(2)(b) or § 87(2)(b) in any facet. Officer Thorn did not recall searching § 87(2)(b).

**Subject Officer: OFFICER MARC TRELLES**

- *Officer Marc Trelles was § 87(2)(b) old during the time of the incident. He is a 6'0" Hispanic male, who weighs 230 pounds with brown hair and brown eyes.*
- *On July 21, 2011, Officer Trelles worked from 7:30 p.m. until 12:05 a.m. on July 22, 2011. He was assigned to anti-crime and although he could not recall who he worked with, the Roll Call lists him as partnered with Officer Aaron Thorn and Officer Robert Locher. According to the Roll Call he was assigned to vehicle number 8062.*

**Memo Book:**

Officer Trelles does not have any memo book entries pertaining to this incident. At 7:30 p.m., present for duty. At 12:05 a.m., end of tour. He did not note his assigned partner in his memo book (encl.17-17a).

**CCRB Statement:**

On August 9, 2012, Officer Trelles was interviewed at the CCRB. His interview is summarized below (encl.18-18a).

On July 21, 2012, Officer Trelles was assigned to anti-crime, but could not recall any details of that date. Officer Trelles was not present during the incident because he ended his tour early at 12:05 a.m. due to court duties early the next morning. Officer Trelles could not recall who his partners were or what specific police actions, if any, that he performed on the date of the incident. Upon being shown a photograph of § 87(2)(b) Officer Trelles did not recognize him.

**NYPD Documents**

**Roll Call:**

The 32<sup>nd</sup> Precinct's tour 3 Roll Call from the date of July 21, 2011, indicates that Sgt. Miller, Officer Trelles, Officer Locher and Officer Thorn were assigned to anti-crime and utilized vehicle 8062 (encl. 19-19h).

**Stop, Question and Frisk Logs:**

The 32<sup>nd</sup> Precinct's handwritten and electronic Stop, Question and Frisk Logs do not indicate that § 87(2)(b) was stopped or that a Stop, Question and Frisk Report was prepared for him. The logs also do not indicate that any of the subject officers prepared any Stop, Question and Frisk Reports (encl. 20-21a).

The 25<sup>th</sup> Precinct's Stop, Question and Frisk Log does not indicate that § 87(2)(b) was stopped or that a Stop, Question and Frisk Report was prepared for him. The log also does not indicate that any of the subject officers prepared any Stop, Question and Frisk Reports (encl. 21-21a).



### **MISD Database Search:**

A MISD database search did not provide any results for any officers who conducted an inquiry based on § 87(2)(b)'s license plate number or driver's license identification number between the dates of July 21, 2011 and July 22, 2011 (encl. 25-25e).

### **Fleet Services Database Search:**

A Fleet Services database search indicated that vehicle number 8062, license plate number § 87(2)(e), § 87(2)(b) is a black Impala and is assigned to the 32<sup>nd</sup> Precinct (encl. 23).

### **Other Evidence:**

### **Status of Civil Proceedings**

- Neither § 87(2)(b) nor § 87(2)(b) have filed a Notice of Claim with the City of New York as of October 3, 2012, with regard to the incident (encl. 27b).

### **Civilians Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilians CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b)
- § 87(2)(b) has filed the following CCRB complaints:
  - § 87(2)(b)

### **Subject Officers CCRB History**

- Officer Locher has been a member of the service for seven years and there is one substantiated CCRB allegations against him (encl. 1j):
  - In case number 200700923, a physical force allegation was substantiated. The CCRB Board recommended instructions and no disciplinary action was taken by the NYPD as the department was unable to prosecute (DUP).
- Officer Thorn has been a member of the service for eighteen years and there is one substantiated CCRB allegations against him (encl. 2-2b):
  - In case number 200909090, a frisk allegation was substantiated and the NYPD issued instructions.
- Sgt. Daniel Miller has been a member of the service for 15 years and there are no substantiated allegations against him (encl. 3-3a).

### **Conclusion**

### **Identification of Subject Officers**

§ 87(2)(b) and § 87(2)(b) stated that three officers, who were described as two white males and one black male interacted with them. § 87(2)(b) provided the license plate number of the police vehicle that the subject officers utilized as § 87(2)(e), § 87(2)(f). However, it was confirmed via § 87(2)(b) and investigation as § 87(2)(e), § 87(2)(f). A Fleet Service database search confirmed that the license plate number of the vehicle belonged to the 32<sup>nd</sup> Precinct and the vehicle number was 8062. The 32<sup>nd</sup> Precinct's Tour 3 Roll Call listed Sgt. Miller, Officer Trelles, Officer Thorn and

Officer Locher as assigned to vehicle 8062. However, the investigation has concluded that Officer Trelles was not present during the time of the incident, as is noted in his memo book.

- **Allegations A, B, C:** Sgt. Miller and Officer Locher acknowledged stopping § 87(2)(b) § 87(2)(g) and § 87(2)(b) provided a description of the third officer who stopped § 87(2)(b) as a black male. Officer Thorn was assigned as Officer Locher's partner and is a black male. § 87(2)(g)
- **Allegations D, E and F:** § 87(2)(b) stated that the taller and younger of the two white male officers present frisked and searched him. This description matches that of Officer Locher, who is taller and younger than Sgt. Miller. § 87(2)(g) § 87(2)(b) also stated that the older and shorter white male officer also frisked him. As Sgt. Miller is older and shorter than Officer Locher, § 87(2)(g)
- **Allegation G:** Both § 87(2)(b) and § 87(2)(b) stated that a black male officer searched § 87(2)(b)'s vehicle. § 87(2)(g)
- **Allegation H:** § 87(2)(b) described the officer who frisked him and searched his vehicle as the older and shorter of the two white males present. This description matches Sgt. Miller's. During a photographic array viewing, § 87(2)(b) further confirmed Sgt. Miller's role when he identified Sgt. Miller as the officer who frisked him and searched his vehicle. § 87(2)(g)
- **Allegations I, J, and K:** § 87(2)(b) stated that he requested the names and shield numbers of all three of the officers involved. However, all three officers refused. § 87(2)(g)
- § 87(4-b) § 87(2)(g)

## Investigative Findings and Recommendations

### Allegations Not Pleaded:

§ 87(2)(g)

§ 87(2)(b) also stated that when Officer Thorn searched § 87(2)(b)'s vehicle, her bag was inside and she believed it was searched. However, § 87(2)(b) did not see what parts of the vehicle were searched, nor did she observe her bag be searched by Officer Thorn. § 87(2)(g)

§ 87(2)(b) alleged that § 87(2)(b) was frisked. However, § 87(2)(b) did not allege that she was frisked during her telephone statement. § 87(2)(g)

**Allegation A: Abuse of Authority: Sgt. Daniel Miller stopped** § 87(2)(b)

**Allegation B: Abuse of Authority: Officer Robert Locher stopped** § 87(2)(b)

**Allegation C: Abuse of Authority: Officer Aaron Thorn stopped** § 87(2)(b)

It is undisputed that Sgt. Miller and Officer Locher stopped § 87(2)(b) as they noted such in their memo books. § 87(2)(b) stated that a black male was partnered with Officer Locher. Officer

Thorn is the only black male officer assigned as Officer Locher's partner and Officer Locher stated that he was working with Officer Thorn. However, none of the above mentioned officers could recall any details of the stop or recognized § 87(2)(b) § 87(2)(g)

Additionally, there is no documentary evidence, such as a Stop, Question and Frisk Report to provide any reasoning for the stop. § 87(2)(g)

**Allegation D: Abuse of Authority: Officer Robert Locher frisked § 87(2)(b)**

**Allegation E: Abuse of Authority: Officer Robert Locher searched § 87(2)(b)**

**Allegation F: Abuse of Authority: Sgt. Daniel Miller frisked § 87(2)(b)**

**Allegation G: Abuse of Authority: Officer Aaron Thorn searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation H: Abuse of Authority: Sgt. Daniel Miller searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation I: Abuse of Authority: Officer Robert Locher refused to provide his name and shield number to § 87(2)(b)**

**Allegation J: Abuse of Authority: Officer Aaron Thorn refused to provide his name and shield number to § 87(2)(b)**

**Allegation K: Abuse of Authority: Sgt. Daniel Miller refused to provide his name and shield number to § 87(2)(b)**

§ 87(2)(b) alleged that Officer Locher frisked and searched him and that Sgt. Miller frisked him. He also alleged that Officer Thorn and Sgt. Miller searched his vehicle. § 87(2)(b) stated that he asked all three officers involved for their names and shield numbers twice, but they did not provide it. § 87(2)(b) stated that Officer Locher responded to the first request for his name and shield number by asking § 87(2)(b) for his identification card and during the second request, he responded, "For what? Everything is alright. There is no reason that you need anything." Sgt. Miller and Officer Thorn, did not respond to either request. § 87(2)(b) did not witness the alleged search or frisks, as she was inside of the car when the frisks and search allegedly took place. However, § 87(2)(b) corroborated § 87(2)(b)'s statement that Officer Thorn searched § 87(2)(b)'s vehicle. § 87(2)(b) did not mention whether § 87(2)(b) requested the names and shield numbers of the officers.

As noted in Allegations A-C, neither Sgt. Miller, Officer Locher nor Officer Thorn could recall any of the details of their interaction with § 87(2)(b). Sgt. Miller and Officer Locher stated that they did not recall searching or frisking § 87(2)(b). All three officers stated that they did not recall searching § 87(2)(b)'s car or § 87(2)(b) requesting their names and shield numbers.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date